

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

| | | |
|---|---|------------------------|
| QUINTON PRINCE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-06-1297-M |
| |) | |
| MICHAEL J. ASTRUE, |) | |
| Commissioner, Social Security Administration, |) | |
| |) | |
| Defendant. |) | |

ORDER

On May 21, 2007, United States District Judge Vicki Miles-LaGrange entered an Order and Judgment in this case reversing the decision of Defendant Commissioner of the Social Security Administration (“Commissioner”) and remanding this case for further administrative proceedings. Based on the same, on June 14, 2007, Plaintiff filed a “Motion for Attorney Fees Under the Equal Access to Justice Act” [docket no. 21]. On June 15, 2007, Defendant filed his response.

In his motion, Plaintiff requests an award of fees in the amount of \$5,167.80. In his response, Defendant states that he has no objection to Plaintiff’s request for fees in the amount of \$5,167.80. Further, Defendant asserts that payment should be made directly to Plaintiff as the prevailing party and not to his attorney.

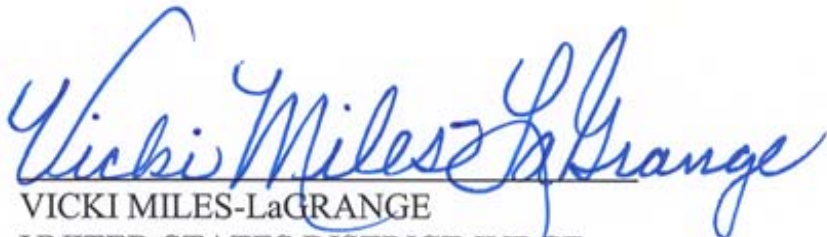
The Equal Access to Justice Act (“EAJA”) provides, in pertinent part:

Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort), including proceedings for judicial review of agency action, brought by or against the United States in any court having jurisdiction of that action, unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.

28 U.S.C. § 2412(d)(1)(A) (emphasis added). Thus, based upon the express language of the EAJA, the Court finds that the fee award should be made payable to Plaintiff rather than his attorney.

Accordingly, the Court GRANTS Plaintiff's "Motion for Attorney Fees Under the Equal Access to Justice Act" [docket no. 21] as follows: the Court AWARDS Plaintiff EAJA fees in the amount of \$5,167.80, to be paid directly to Plaintiff.

IT IS SO ORDERED this 26th day of June, 2007.



VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE